

HAWAII STATE

HOUSE OF REPRESENTATIVES

REGULAR SESSION OF 2011

MINI JOURNAL

FLOOR REMARKS TO BE INSERTED

SIXTIETH DAY

MAY 5, 2011

OFFICE OF THE CHIEF CLERK

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SIXTIETH DAY

Thursday, May 5, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 10:17 o'clock a.m., with the Speaker presiding, after which the Roll was called showing all Members present with the exception of Representatives Carroll, Nishimoto and Pine.

On motion by Representative Evans, seconded by Representative Ching and carried, reading of the Journal was dispensed with and the Journals of the Thirty-Seventh, Thirty-Eighth, Thirty-Ninth, Fortieth, Forty-First, Forty-Second, Forty-Third, Forty-Fourth, Forty-Fifth, Forty-Sixth, Forty-Seventh and Forty-Eighth Days were approved. (Representatives Carroll, Nishimoto and Pine were excused.)

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 1134 and 1135) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 1134, informing the House that on May 02, 2011, the following bill was signed into law:

H.B. No. 546, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS." (ACT 034)

Gov. Msg. No. 1135, informing the House that on May 02, 2011, the following bill was signed into law:

H.B. No. 1640, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATES OF IDENTIFICATION." (ACT 035)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 692 through 699) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 692, transmitting H.C.R. No. 298, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE ASIA-PACIFIC ECONOMIC COOPERATION HOST COMMITTEE SELECT PRODUCTS UNIQUE TO HAWAII THAT SHOWCASE HAWAII'S EXCELLENCE IN AGRICULTURE," which was adopted by the Senate on May 3, 2011.

Sen. Com. No. 693, transmitting H.B. No. 400, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," which passed Third Reading in the Senate on May 3, 2011.

Sen. Com. No. 694, dated May 3, 2011, informing the House that the following bills have this day passed Final Reading in the Senate:

H.B. No. 4, HD 2, SD 2, CD 1
H.B. No. 44, HD 1, SD 1, CD 1
H.B. No. 56, HD 2, SD 2, CD 1
H.B. No. 117, HD 2, SD 2, CD 1
H.B. No. 141, HD 1, SD 1, CD 1
H.B. No. 227, HD 2, SD 2, CD 1
H.B. No. 240, SD 1, CD 1
H.B. No. 243, HD 1, SD 1, CD 1
H.B. No. 300, HD 2, SD 2, CD 1
H.B. No. 301, SD 1, CD 1
H.B. No. 319, HD 1, SD 1, CD 1
H.B. No. 331, HD 2, SD 2, CD 1
H.B. No. 423, HD 1, SD 1, CD 1
H.B. No. 484, SD 2, CD 1
H.B. No. 491, HD 1, SD 1, CD 1
H.B. No. 545, HD 1, SD 1, CD 1

H.B. No. 555, HD 1, SD 1, CD 1
H.B. No. 593, HD 1, SD 1, CD 1
H.B. No. 597, HD 1, SD 1, CD 1
H.B. No. 605, HD 2, SD 2, CD 1
H.B. No. 616, HD 2, SD 2, CD 1
H.B. No. 663, HD 2, SD 2, CD 1
H.B. No. 667, HD 1, SD 2, CD 1
H.B. No. 680, SD 2, CD 1
H.B. No. 688, HD 2, SD 2, CD 1
H.B. No. 716, HD 1, SD 1, CD 1
H.B. No. 739, HD 2, SD 1, CD 1
H.B. No. 747, HD 1, SD 2, CD 1
H.B. No. 761, HD 1, SD 2, CD 1
H.B. No. 801, HD 2, SD 2, CD 1
H.B. No. 828, HD 2, SD 1, CD 1
H.B. No. 838, HD 2, SD 1, CD 1
H.B. No. 855, HD 1, SD 1, CD 1
H.B. No. 866, HD 2, SD 2, CD 1
H.B. No. 889, HD 2, SD 2, CD 1
H.B. No. 909, HD 2, SD 2, CD 1
H.B. No. 931, SD 1, CD 1
H.B. No. 945, HD 2, SD 1, CD 1
H.B. No. 960, HD 1, SD 2, CD 1
H.B. No. 985, HD 2, SD 2, CD 1
H.B. No. 1000, HD 2, SD 2, CD 1
H.B. No. 1003, HD 2, SD 2, CD 1
H.B. No. 1005, HD 2, SD 2, CD 1
H.B. No. 1020, HD 2, SD 2, CD 1
H.B. No. 1039, HD 1, SD 2, CD 1
H.B. No. 1045, HD 1, SD 2, CD 1
H.B. No. 1049, HD 2, SD 2, CD 1
H.B. No. 1052, HD 2, SD 1, CD 1
H.B. No. 1060, HD 1, SD 2, CD 1
H.B. No. 1070, HD 2, SD 2, CD 1
H.B. No. 1071, HD 2, SD 1, CD 1
H.B. No. 1079, HD 2, SD 1, CD 1
H.B. No. 1082, HD 1, SD 2, CD 1
H.B. No. 1085, HD 2, SD 2, CD 1
H.B. No. 1088, HD 1, SD 1, CD 1
H.B. No. 1089, HD 1, SD 1, CD 1
H.B. No. 1094, HD 1, SD 2, CD 1
H.B. No. 1138, SD 2, CD 1
H.B. No. 1155, HD 1, SD 1, CD 1
H.B. No. 1164, HD 1, SD 1, CD 1
H.B. No. 1230, HD 2, SD 1, CD 1
H.B. No. 1241, HD 2, SD 2, CD 1
H.B. No. 1286, HD 2, SD 1, CD 1
H.B. No. 1333, HD 1, SD 1, CD 1
H.B. No. 1342, HD 1, SD 2, CD 1
H.B. No. 1368, HD 2, SD 1, CD 1
H.B. No. 1405, HD 1, SD 1, CD 1
H.B. No. 1505, HD 2, SD 1, CD 1
H.B. No. 1520, HD 2, SD 2, CD 1
H.B. No. 1566, HD 1, SD 1, CD 1
H.B. No. 1568, HD 2, SD 2, CD 1
H.B. No. 1613, HD 1, SD 1, CD 1
H.B. No. 1654, HD 1, SD 1, CD 1
S. B. No. 2, SD 2, HD 1, CD 1
S. B. No. 14, SD 2, HD 1, CD 1
S. B. No. 23, SD 1, HD 2, CD 1
S. B. No. 34, SD 1, HD 1, CD 1
S. B. No. 40, SD 2, HD 2, CD 1
S. B. No. 44, SD 1, HD 1, CD 1
S. B. No. 45, HD 1, CD 1
S. B. No. 49, SD 1, HD 2, CD 1
S. B. No. 52, SD 1, HD 1, CD 1
S. B. No. 101, SD 1, HD 2, CD 1
S. B. No. 105, SD 2, HD 1, CD 1
S. B. No. 142, SD 1, HD 1, CD 1
S. B. No. 146, SD 1, HD 2, CD 1
S. B. No. 163, SD 1, HD 1, CD 1

S. B. No. 172, SD 2, HD 2, CD 1
 S. B. No. 181, SD 1, HD 1, CD 1
 S. B. No. 217, SD 2, HD 2, CD 1
 S. B. No. 229, SD 1, HD 2, CD 1
 S. B. No. 281, SD 2, HD 2, CD 1
 S. B. No. 283, SD 1, HD 1, CD 1
 S. B. No. 285, SD 2, HD 2, CD 1
 S. B. No. 298, SD 3, HD 3, CD 1
 S. B. No. 570, SD 2, HD 1, CD 1
 S. B. No. 631, SD 1, HD 2, CD 1
 S. B. No. 651, SD 2, HD 2, CD 1
 S. B. No. 742, SD 2, HD 1, CD 1
 S. B. No. 754, SD 1, HD 1, CD 1
 S. B. No. 758, SD 1, HD 2, CD 1
 S. B. No. 806, SD 1, HD 2, CD 1
 S. B. No. 903, SD 1, HD 1, CD 1
 S. B. No. 975, SD 1, HD 2, CD 1
 S. B. No. 986, SD 2, HD 3, CD 1
 S. B. No. 1025, SD 1, HD 1, CD 1
 S. B. No. 1067, SD 1, HD 2, CD 1
 S. B. No. 1068, SD 1, HD 1, CD 1
 S. B. No. 1073, SD 2, HD 2, CD 1
 S. B. No. 1089, SD 1, HD 2, CD 1
 S. B. No. 1154, SD 2, HD 1, CD 1
 S. B. No. 1174, SD 2, HD 1, CD 1
 S. B. No. 1186, SD 2, HD 1, CD 1
 S. B. No. 1213, SD 1, HD 1, CD 1
 S. B. No. 1221, SD 2, HD 1, CD 1
 S. B. No. 1244, SD 2, HD 1, CD 1
 S. B. No. 1270, SD 2, HD 1, CD 1
 S. B. No. 1274, SD 2, HD 3, CD 1
 S. B. No. 1277, SD 2, HD 2, CD 1
 S. B. No. 1278, SD 1, HD 2, CD 1
 S. B. No. 1282, SD 1, HD 1, CD 1
 S. B. No. 1284, SD 2, HD 1, CD 1
 S. B. No. 1290, SD 1, HD 2, CD 1
 S. B. No. 1328, SD 1, HD 2, CD 1
 S. B. No. 1329, SD 1, HD 2, CD 1
 S. B. No. 1331, SD 2, HD 2, CD 1
 S. B. No. 1347, SD 1, HD 2, CD 1
 S. B. No. 1348, SD 2, HD 3, CD 1
 S. B. No. 1383, SD 2, HD 2, CD 1
 S. B. No. 1394, SD 1, HD 1, CD 1
 S. B. No. 1482, SD 1, HD 1, CD 1
 S. B. No. 1483, SD 1, HD 1, CD 1
 S. B. No. 1485, SD 1, HD 1, CD 1
 S. B. No. 1493, SD 1, HD 3, CD 1
 S. B. No. 1503, SD 2, HD 1, CD 1
 S. B. No. 1511, SD 1, HD 2, CD 1
 S. B. No. 1519, SD 3, HD 2, CD 1
 S. B. No. 1520, SD 2, HD 3, CD 1
 S. B. No. 1530, SD 1, HD 2, CD 1
 S. B. No. 1555, SD 2, HD 2, CD 1

Sen. Com. No. 695, dated May 3, 2011, informing the House that the Senate has on April 29, 2011, reconsidered its action taken on April 14, 2011, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 11, SD 2, HD 2

Sen. Com. No. 696, dated May 3, 2011, informing the House that the Senate has on April 28, 2011, reconsidered its action taken on April 14, 2011, in disagreeing to the amendments proposed by the House to the following Senate Bills and has moved to agree to the amendments, and that said bills have this day passed Final Reading:

S.B. No. 173, SD 2, HD 2
 S.B. No. 1040, SD 1, HD 2
 S.B. No. 1153, SD 1, HD 2

Sen. Com. No. 697, dated May 3, 2011, informing the House that the Senate has on April 28, 2011, reconsidered its action taken on March 31, 2011, in disagreeing to the amendments proposed by the House to the following Senate Bills and has moved to agree to the amendments, and that said bills have this day passed Final Reading:

S.B. No. 1069, SD 1, HD 1
 S.B. No. 1489, SD 1, HD 1

Sen. Com. No. 698, dated May 3, 2011, informing the House that the Senate has on April 28, 2011, reconsidered its action taken on April 6, 2011, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 1533, SD 1, HD 1

Sen. Com. No. 699, dated May 3, 2011, informing the House that the following bill has this day passed Final Reading:

H.B. No. 200, HD 1, SD 1, CD 1

INTRODUCTIONS

The following introductions were made to the Members of the House:

| | |
|--------------------|----------------|
| REMARKS DELIVERED: | Rep. Rhoads |
| | Rep. Yamashita |
| | Rep. Fontaine |
| | Rep. Hashem |
| | Rep. Thielen |
| | Rep. Awana |
| | Speaker Say |

At 10:25 o'clock a.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:20 o'clock a.m.

ORDER OF THE DAY

REMARKS DELIVERED: Speaker Say

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the rules were suspended to reconsider action previously taken on S.C.R. No. 130, SD 1; and S.C.R. No. 145. (Representatives Carroll, Nishimoto and Pine were excused)

RECONSIDERATION OF ACTION TAKEN

Representative B. Oshiro moved that the House reconsider its action previously taken pursuant to the recommendation contained in Standing Committee Report Nos. 1756 and 1757, recommending referral to the Committee on Finance seconded by Representative Evans and carried. (Representatives Carroll, Nishimoto and Pine were excused.)

UNFINISHED BUSINESS

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.C.R. No. 130, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONSIDER USING THE PROPERTY LOCATED ON YOUNG STREET, ADJACENT TO THE ACADEMY ART CENTER, AS AN ART RESOURCE CENTER FOR TEACHERS," was adopted, with Representatives Carroll, Nishimoto and Pine being excused.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, S.C.R. No. 145, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION TO COLLABORATE WITH PARENT ORGANIZATIONS TO DEVELOP STATEWIDE POLICIES FOR FAMILY ENGAGEMENT FOR HAWAII'S PUBLIC SCHOOLS," was adopted, with Representatives Carroll, Nishimoto and Pine being excused.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Ching and carried, the rules were suspended for the purpose of considering certain House and Senate Bills for Final Reading by consent calendar. (Representatives Carroll, Nishimoto and Pine were excused.)

UNFINISHED BUSINESS

S.B. No. 120, SD 1, HD 1, CD 2:

Representative B. Oshiro moved that S.B. No. 120, SD 1, HD 1, CD 2, pass Final Reading, seconded by Representative Evans.

REMARKS DELIVERED: Rep. M. Oshiro
Rep. Takai
Rep. M. Oshiro
Rep. Takai

TO BE INSERTED: Rep. Takai
Rep. M. Oshiro

(Submit by Tuesday, May 10)

The motion was put to vote by the Chair and carried, and S.B. No. 120, SD 1, HD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Final Reading, with Representative Rhoads voting no, and with Representatives Carroll, Nishimoto and Pine being excused.

FINAL READING

The Chair addressed the Clerk who announced that the record of votes for the appropriate measures had been received which indicated that the requisite number of House Conferees appointed had agreed to the amendments made by the Senate, and had cast affirmative votes to report said measures to the Floor for final disposition.

H.B. No. 916, SD 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 916, on the following showing of Ayes and Noes:

Ayes, 4 (Souki, Yamane, Ichiyama, Johanson). Noes, none, Excused, 1 (M. Lee).

Representative B. Oshiro moved that H.B. No. 916, SD 1, be recommitted to the Committee on Finance, seconded by Representative Evans.

The motion was put to vote by the Chair and carried, and H.B. No. 916, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDING FOR PARKING FOR DISABLED PERSONS," was recommitted to the Committee on Finance, with Representatives Carroll, Nishimoto and Pine being excused.

H.B. No. 922, SD 3:

Representative B. Oshiro moved that H.B. No. 922, be recommitted to the Committee on Judiciary, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Wooley
Rep. Hashem
Rep. Wooley
Rep. Thielen
Speaker Say
Rep. Wooley
Rep. Thielen
Speaker Say
Rep. Thielen
Speaker Say
Rep. Wooley
Rep. Thielen
Speaker Say
Rep. Wooley
Speaker Say
Rep. Ward
Speaker Say
Rep. Ward
Rep. Awana
Rep. Saiki
Rep. Belatti
Rep. M. Oshiro
Rep. Ching

TO BE INSERTED: Rep. Saiki
Rep. M. Oshiro

(Submit by Tuesday, May 10)

The motion was put to vote by the Chair and carried, and S.B. No. 922, SD 3, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was recommitted to the Committee on Judiciary, with Representatives Belatti, Saiki and Wooley voting no, and with Representatives Carroll, Nishimoto and Pine being excused.

Representative B. Oshiro moved to agree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives Carroll, Nishimoto and Pine were excused.)

H.B. No. 575, HD 1, (SD 2)
H.B. No. 1038, HD 2, (SD 2)
H.B. No. 1076, HD 1, (SD 2)

H.B. No. 575, HD 1, SD 2:

Representative B. Oshiro moved that H.B. No. 575, HD 1, SD 2, pass Final Reading, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Cullen
Rep. Belatti
Rep. B. Oshiro
Rep. Takai
Rep. McKelvey
Rep. Ward

TO BE INSERTED: Rep. Cullen
Rep. Belatti

(Submit by Tuesday, May 10)

The motion was put to vote by the Chair and carried, and H.B. No. 575, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," passed Final Reading by a vote of 43 ayes to 4 noes, with Representatives Belatti, Hanohano, Morikawa and Souki voting no, and with Representatives Carroll, Ito, Nishimoto and Pine being excused.

H.B. No. 1038, HD 2, SD 2:

Representative B. Oshiro moved that H.B. No. 1038, HD 2, SD 2, pass Final Reading, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Fontaine

The motion was put to vote by the Chair and carried, and H.B. No. 1038, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Final Reading by a vote of 47 ayes, with Representatives Carroll, Ito, Nishimoto and Pine being excused.

H.B. No. 1076, HD 1, SD 2:

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.B. No. 1076, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW," passed Final Reading by a vote of 47 ayes, with Representatives Carroll, Ito, Nishimoto and Pine being excused.

At 12:01 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 575, HD 1, SD 2
H.B. No. 1038, HD 2, SD 2
H.B. No. 1076, HD 1, SD 2

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 305 through 308) were announced by the Clerk and the following action taken:

H.R. No. 305, entitled: "HOUSE RESOLUTION HONORING AND COMMENDING THE UNITED STATES NAVY SEALS FOR SUCCESSFULLY NEUTRALIZING THE WORLD'S MOST WANTED TERRORIST," was jointly offered by Representatives Ward, Aquino, Choy, Cullen, Evans, Fontaine, Har, Herkes, Ito, Johanson, Kawakami, B. Oshiro, Riviere, Say, Takai, Takumi, Thielen, Tokioka and Yamashita.

Representative B. Oshiro moved that H.R. No. 305 be adopted, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Ward
Rep. Ching
Rep. Brower
Rep. Takai
Rep. McKelvey
Rep. M. Lee
Rep. Cabanilla

TO BE INSERTED: Rep. Takai
(Submit by Tuesday, May 10)

The motion was put to vote by the Chair and carried, and H.R. No. 305 was adopted, with Representatives Carroll, Chong, Ito, Nishimoto and Pine being excused.

At 12:08 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:10 o'clock p.m.

H.R. No. 306, entitled: "HOUSE RESOLUTION EXPRESSING APPRECIATION AND GRATITUDE TO ROWENA "AUNTY RONIE" LOW FOR HER YEARS OF SERVICE TO THE HOUSE OF REPRESENTATIVES AND BEST WISHES FOR A HAPPY RETIREMENT," was offered by Representative Say.

Representative B. Oshiro moved that H.R. No. 305 be adopted, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Souki

Rep. Takumi
Rep. Marumoto
Rep. Ward
Rep. Kawakami
Rep. Ching
Rep. C. Lee
Rep. Manahan
Rep. Tokioka
Rep. Awana
Rep. Evans
Rep. Takai
Rep. Yamane
Rep. Mizuno
Rep. Jordan
Rep. Har
Rep. Chang
Rep. M. Lee

TO BE INSERTED: Rep. C. Lee
Rep. Awana
(Submit by Tuesday, May 10)

The motion was put to vote by the Chair and carried, and H.R. No. 306 was adopted, with Representatives Carroll, Chong, Ito, Nishimoto and Pine being excused.

REMARKS DELIVERED: Speaker Say

At 12:19 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:37 o'clock p.m.

H.R. No. 307, entitled: "HOUSE RESOLUTION AUTHORIZING AND EMPOWERING THE SPEAKER TO PERFORM AND CARRY OUT ANY OFFICIAL LEGISLATIVE BUSINESS DURING THE INTERIM BETWEEN THE 2011 AND 2012 REGULAR SESSIONS," was jointly offered by Representatives B. Oshiro and Ward.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, H.R. No. 307 was adopted, with Representatives Carroll, Chong, Ito, Nishimoto, Pine and Saiki being excused.

H.R. No. 308, entitled: "HOUSE RESOLUTION INFORMING THE SENATE AND THE GOVERNOR THAT THE HOUSE OF REPRESENTATIVES IS READY TO ADJOURN SINE DIE," was jointly offered by Representatives Say and Manahan.

Representative B. Oshiro moved that H.R. No. 308 be adopted, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Tokioka

The motion was put to vote by the Chair and carried, and H.R. No. 308 was adopted, with Representatives Carroll, Chong, Ito, Nishimoto, Pine and Saiki being excused.

ANNOUNCEMENTS

REMARKS DELIVERED: Rep. Ward
Rep. M. Oshiro
Rep. Cabanilla
Rep. Woolley
Rep. Kawakami
Rep. McKelvey
Rep. Awana
Rep. C. Lee
Rep. Souki
Speaker Say

TO BE INSERTED: Speaker Say
(Submit by Tuesday, May 10)

At this time, Members of the House of Representatives stood for a moment of silence in honor of all the service members who died in the name of the war against terrorism.

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

S.C.R.

| <u>Nos.</u> | <u>Re-referred to:</u> |
|--------------------|---|
| 130, SD1 | Jointly to the Committee on Education and the Committee on Culture & the Arts |
| 145 | Committee on Education |

ADJOURNMENT

Representative B. Oshiro moved that the House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, adjourn Sine Die, seconded by Representative Ward.

The motion was put to vote by the Chair and carried, and at 12:52 o'clock p.m., the Speaker rapped his gavel and declared the House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, adjourned Sine Die. (Representatives Carroll, Chong, Ito, Nishimoto, Pine and Saiki were excused.)

HOUSE COMMUNICATIONS

House Communication dated May 5, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the amendments made by the Senate and passed the following House Bills on Final Reading:

H.B. No. 575, HD 1, SD 2
H.B. No. 1038, HD 2, SD 2
H.B. No. 1076, HD 1, SD 2

House Communication dated May 5, 2011, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day passed the following bill on Final Reading:

S.B. No. 120, SD 1, HD 1, CD 2

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 700 through 702) were received by the Clerk:

Sen. Com. No. 700, dated May 5, 2011, informing the House that the following bill has this day passed Final Reading:

S.B. No. 120, SD 1, HD 1, CD 2

Sen. Com. No. 701, dated May 5, 2011, transmitting S.R. No. 114, entitled: "SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE," which was adopted by the Senate.

Sen. Com. No. 702, dated May 5, 2011, informing the House that the Senate has on May 3, 2011, reconsidered its action taken on April 14, 2011, in disagreeing to the amendments proposed by the House to the

following Senate Bills and has moved to agree to the amendments, and that said bills have this day passed Final Reading:

S.B. No. 219, SD 1, HD 1
S.B. No. 946, SD 1, HD 1
S.B. No. 1088, SD 1, HD 1
S.B. No. 1300, SD 2, HD 2

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 1136 through 1151) were received by the Clerk:

Gov. Msg. No. 1136, informing the House that on May 04, 2011, the following bill was signed into law:

H.B. No. 865, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INSPECTION FEES." (ACT 036)

Gov. Msg. No. 1137, informing the House that on May 04, 2011, the following bill was signed into law:

S.B. No. 1349, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS." (ACT 037)

Gov. Msg. No. 1138, informing the House that on May 04, 2011, the following bill was signed into law:

S.B. No. 923, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON FATHERHOOD." (ACT 038)

Gov. Msg. No. 1139, informing the House that on May 04, 2011, the following bill was signed into law:

S.B. No. 81, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STARLIGHT RESERVE." (ACT 039)

Gov. Msg. No. 1140, informing the House that on May 04, 2011, the following bill was signed into law:

S.B. No. 1233, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE SOLICITATION OF FUNDS FROM THE PUBLIC." (ACT 040)

Gov. Msg. No. 1141, informing the House that on May 04, 2011, the following bill was signed into law:

S.B. No. 1327, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PASSENGER FACILITY CHARGES." (ACT 041)

Gov. Msg. No. 1142, informing the House that on May 04, 2011, the following bill was signed into law:

H.B. No. 298, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT INTERPRETERS." (ACT 042)

Gov. Msg. No. 1143, informing the House that on May 04, 2011, the following bill was signed into law:

H.B. No. 381, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING UNNECESSARY PROVISIONS." (ACT 043)

Gov. Msg. No. 1144, informing the House that on May 04, 2011, the following bill was signed into law:

H.B. No. 1053, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NATIONAL DENTAL HYGIENE EXAMINATIONS." (ACT 044)

Gov. Msg. No. 1145, transmitting his statement of objections to H.B. No. 382, HD 2, SD 2, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
May 5, 2011

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 382

Honorable Members
Twenty-Sixth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 382, entitled "A Bill for an Act Relating to the Auditor."

The purpose of this bill is to specifically allow the Auditor to inspect the documents, confidential tax returns, and financial affairs of the Department of Taxation and to require the Auditor to implement internal policies to protect confidentiality of private personal information contained in tax returns.

This bill is objectionable because the Auditor currently has statutory authority to inspect the records of agencies pursuant to section 23-5, Hawaii Revised Statutes. Moreover, section 23-5(c)(1), Hawaii Revised Statutes, authorizes the Auditor to issue subpoenas that are subject to judicial review. This bill appears to give the Auditor unrestricted access to taxpayers' tax returns and return information "only to the extent necessary in the auditor's duties within the scope of the audit," but leaves it to the Auditor to determine what is within the scope of the Auditor's duties.

America's taxation system, as well as Hawaii's taxation system, relies and rests on a bedrock principle of voluntary compliance and self assessment. In return for a taxpayer's voluntary act of self-assessment, federal and state laws provide stringent confidentiality requirements that provide a strong incentive for taxpayers to report all of their income. See, generally, Federal Savings and Loan Insurance Corporation v. Krueger, 55 F.R.D. 512, 514 (D.C. Ill. 1972); see also United States v. Tucker, 316 F. Supp. 822, 825 (D. Conn. 1970) (statutes forbidding unauthorized disclosure of income tax return information encourages the full and accurate reporting of income for tax purposes).

Currently, with respect to tax returns or return information, sections 235-116 and 237-34, Hawaii Revised Statutes, make it a criminal offense for any officer or employee of the Department of Taxation to disclose tax returns or return information to any other person by the taxpayer or the taxpayer's authorized representative, with certain other limited exceptions. Similarly, sections 6103(a) and 7213 of the Internal Revenue Code generally prohibit the disclosure of federal income tax returns. Moreover, federal law in section 6103(i)(8)(C) of the Internal Revenue Code contains a provision for disclosures to the Comptroller General for auditing purposes, but this statute also contains the following pre-condition for disclosure for audit purposes:

(C) Disapproval by Joint Committee on Taxation

Returns and return information shall not be open to inspection or disclosed under subparagraph (A) or (B) with respect to an audit—
(i) unless the Comptroller General of the United States notifies in writing the Joint Committee on Taxation of such audit, and
(ii) if the Joint Committee on Taxation disapproves such audit by a vote of at least two-thirds of its members within the 30-day period beginning on the day the Joint Committee on Taxation receives such notice.

The bill lacks this important and essential provision that would safeguard and serve as an oversight function on the Auditor. In addition, the bill is silent on the Department of Taxation's ability to assert the attorney-client or executive privilege for certain communications and documents.

For the foregoing reasons, I am returning House Bill No. 382 without my approval.

Respectfully,
/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

Gov. Msg. No. 1146, transmitting his statement of objections to S.B. No. 1416, SD 1, HD 1, as follows:

"EXECUTIVE CHAMBERS
HONOLULU
May 5, 2011

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1416

Honorable Members
Twenty-Sixth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1416, entitled "A Bill for an Act Relating to Highway Safety."

The purpose of this bill is to extend the period in which an owner of a new car is exempted from obtaining a certificate of inspection from two years to three years from the date of purchase.

While new vehicles are unlikely to experience major mechanical defects during the first three years after purchase, other faults, which would be discovered during an inspection, may still occur. These faults include defective head lamps, signal lamps, and brake lamps, expired registration and insurance cards, worn-out brakes, tires, and windshield wipers, modified suspension and window tint, and cracked windshields.

New cars already have a two-year exemption from a required inspection and I cannot, in good conscience, sign a bill into law that would add another year to that exemption, because that would increase the likelihood of the aforementioned faults occurring without discovery.

For the foregoing reasons, I am returning Senate Bill No. 1416 without my approval.

Respectfully,
/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"

Gov. Msg. No. 1147, informing the House that on May 05, 2011, the following bill was signed into law:

H.B. No. 424, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS." (ACT 045)

Gov. Msg. No. 1148, informing the House that on May 05, 2011, the following bill was signed into law:

H.B. No. 270, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES." (ACT 046)

Gov. Msg. No. 1149, informing the House that on May 05, 2011, the following bill was signed into law:

H.B. No. 439, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE." (ACT 047)

Gov. Msg. No. 1150, informing the House that on May 05, 2011, the following bill was signed into law:

S.B. No. 651, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES." (ACT 048)

Gov. Msg. No. 1151, dated May 5, 2011, informing the House that on May 5, 2011, pursuant to Section 16 of Article III of the State Constitution, the following bill will become law without his signature, stating:

"Dear President Tsutsui, Speaker Say and Members of the Legislature:

Re: HB1552 HD1 SD2

On May 5 2011, I intend to allow HB1552 HD1 SD2, entitled "RELATING TO COFFEE" to become law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to provide restrictions on the use of geographic origins of Hawaii-grown coffee on coffee packaging, including prohibiting the use of a Hawaii geographic origin in certain labeling unless one hundred percent of the coffee contained in the package is from that geographic region.

While I remain committed to protecting the integrity of Hawaii grown coffee, I do not believe that geographic references on coffee packages necessarily mislead consumers and imply that the coffee in the package was grown exclusively in the named geographic region. Additionally, the existing statute already requires the identity statement for blended coffee to be conspicuously displayed on the packaging. Therefore, I believe that prohibiting the use of a geographic origin on coffee packaging unless one hundred percent of the coffee is from that geographic region is more excessive than is necessary to serve the State's interest.

For the foregoing reasons, I intend to allow HB1552 HD1 SD2 to become law as ACT 049 (11) effective May 5, 2011, without my signature.

Respectfully,
/s/ Neil Abercrombie
NEIL ABERCROMBIE
Governor of Hawaii"